

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NCS PEARSON, INC.,	:
	:
Plaintiff,	: 21 Civ. 10773 (VM)
	:
- against -	: <u>ORDER</u>
	:
SAVVAS LEARNING CO., LLC,	:
	:
Defendant.	:
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VICTOR MARRERO, United States District Judge.

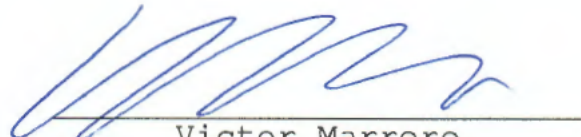
On February 8, 2022, consistent with the Court's Individual Practices, counsel for defendant Savvas Learning Company, LLC ("Savvas") sent counsel for NCS Pearson, Inc. ("NCS Pearson") a premotion letter identifying alleged deficiencies in the Complaint (Dkt. No. 1) that Savvas filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 24-1.) On February 15, 2022, also consistent with the Court's Individual Practices, counsel for NCS Pearson sent a three-page letter in response, opposing the grounds that Savvas stated in favor of the proposed motion. (See Dkt. No. 24-2.) On April 25, 2022 the Court received a letter dated March 22, 2022 from Savvas asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 24.)

Upon review of all premotion letters, the Court is not persuaded that a premotion conference or further briefing is necessary to resolve the parties' dispute. In accordance with this Court's Individual Practices and Rule 7.1 of the Court's Local Rules, Savvas

may file a motion to dismiss which shall not exceed three pages in length (single spaced, twelve-point font), unless, upon a party's request, the Court authorizes a larger number. The substance of such motion may not deviate materially from the basis for dismissal that Savvas stated in its initial premotion letter. In response, within seven (7) days of the filing of Savvas's motion, NCS Pearson may file its opposition, which may similarly not exceed three pages (single spaced, twelve-point font), opposing the motion. Savvas may file a three-page reply within seven (7) days of the filing of NCS Pearson's response.

SO ORDERED.

Dated: New York, New York
June 24, 2022



Victor Marrero
U.S.D.J.